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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,668	04/01/2004	Katie L. Maliniak	BGN1368	9263
7590	01/19/2005		EXAMINER	
Sean A. Kaufhold P.O. Box 131447 Carlsbad, CA 92013			GARRETT, ERIKA P	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	MALINIAK, KATIE L.	
Examiner Erika Garrett	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/04.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 16-19 been renumbered as 15-18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,7-9,11, 13-14 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lampton (6,048,023) in view of Young (4,960,204). Lampton discloses the use of a holding assembly for selectively positioning on a back side of a vehicle seat (10), the assembly including: a panel having a first side, a second side, a bottom edge, a top edge, a first lateral edge and a second lateral edge (figures 1-2); a plurality of pockets being attached to said first side of said panel, each of said pockets having an open upper end for selectively accessing an interior of said pockets, said plurality of pockets being arranged in a plurality of rows extending between said first and second lateral edges; a plurality of flaps (figure1), each of said flaps having an

attached edge being attached to said first side of said panel, each of said flaps being positioned adjacent to one of said plurality of pockets, each of flaps having a free end being selectively positionable in a closed position extending over an adjacent open upper end or in closed position extending away from said panel, and at least one coupler (66) being attached to said panel for selectively attaching said panel to the vehicle chair such that said second side is abutting the chair. The plurality of pockets is arranged in a plurality of rows extending between said first and second lateral edges; wherein the panel has an equal number of rows between said top edge and said central area as between said central area and said bottom edge, the rows has three pockets therein.

Lampton shows the use of all the claimed invention but fails to show the use of each of the pockets having a width equal to at least 5.50 inches, a depth equal to at least 0.50 inches and a height equal to at least 3.0 inches. It would have been an obvious matter of design choice to have the pockets with a width equal to at least 5.50 inches, a depth equal to at least 0.50 inches and a height equal to at least 3.0 inches, since applicant has not disclosed that the pockets having a width equal to at least 5.50 inches, a depth equal to at least 0.50 inches and a height equal to at least 3.0 inches solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any size the user wants. However, Young teaches the use of the pockets having a width equal to at least 5.50 inches, a depth equal to at least 0.50 inches and a height equal to at least 3.0 inches.

Lampton further fails to show the use of a plurality of fastening members attached to one of the flaps and a pair of handles angled away from the second side of the panels. Young teaches the use of a plurality of fastening members (figure 3) attached to one of the flaps and a pair of handles (42,44) angled away from the second side of the panels. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the holding assembly with a plurality of fasteners and a pair of handles as taught by Young, in order to prevent the objects from falling out and to be able to carry the holding assembly in the occupant hand.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lampton as applied to claim 1 above, and further in view of Mitchell (4,650,103). Lampton shows the use of all the claimed invention but fails to show the use of the panel including three and four rows of pockets. Mitchell teaches the use of the panel including three and four rows of pockets. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the panel with three and four rows of pockets as taught by Mitchell, in order to store more objects in the holder assembly.

Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lampton as applied to claims 1, 9 and 11 above, and further in view of Lackomar (6,006,462). Lampton shows the use of all the claimed invention but fails to show the use of a first and second pair of straps, which forms a loop around the vehicle chair. Lackomar teaches the use of a first (16) and second pair of straps (18), which forms a loop around the vehicle chair. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the holder assembly with a first and second pair of

straps as taught by Lackomar, in order to have more storage space in the occupants vehicle and to have a display of printed material assessable to the passenger.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to holding assembly: U.S Pat. No. 4585127, 2843185, 2767895, US006763986B2, US006460925B1, US006375258B1, US006244481B1, US006405909B1, US006327726B1, US006216927B1, and US005878672A.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 703-605-0758. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Peter M. Cuomo
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EG
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